

RESTRICTIONS ON POLITICAL ACTIVITIES OF COUNTY EMPLOYEES

Although, the political activities of all County officers and employees are restricted, to some extent, by federal or state law, County officers and employees may express their political opinions and engage in political activities. It is very important, however, that they do so only in their individual capacities, while not on duty, and avoid even the appearance that they are speaking or acting for the County of Tulare in political matters.

This is intended as a guide to assist employees in determining what they can and cannot do when engaging in political activities.

State or federal law restricts the political activities of all County employees.

California Law: All County officers and employees are covered by the prohibitions of state law contained in Government Code sections 3201 through 3209.

Federal Law: In addition, County officers and employees who are paid with federal grant money or loans, **or whose principal employment is in connection with** an activity or program which is financed in whole or in part by grants or loans made by the U.S. or a federal agency are also subject to the political restrictions of the Federal Hatch Act. For example, most *Health and Human Service Agency* employees are governed by the Hatch Act as well as by State law as are *Department of Child Support Services* employees.

I. California Law:

(A) WHAT IS PERMITTED: Under California law, County officers and employees, ***while not on duty***, and not connected with federally funded activities may do any of the following:

1. **Register and Vote.**
2. Express their personal opinions on political subjects, issues and candidates.
3. Become a candidate for nomination or election in any partisan or non-partisan campaign – national, state or local.
4. Engage in partisan or non-partisan political activities as an individual or as a member of a group.
5. Contribute to political campaign funds **if the contribution is not made to or**

through another County officer or employee. Contributions to or through another County officer or employees may be made only when requests for political funds or contributions have been made to a significant segment of the public including officers or employees of the County and the contribution is made pursuant to that request.

6. Join political organizations and vote on any question presented.
7. Organize, join or manage and be active in political clubs, serve as officer, delegate or alternate, or as a member of any committee.
8. Participate actively in political conventions.
9. Attend political meetings, rallies, etc., and organize, prepare and conduct such gatherings or make speeches.
10. Initiate, sign or circulate partisan or non-partisan nominating petitions, distribute campaign literature, badges, provided it is not done in the workplace, during working hours.
11. Wear campaign badges or buttons, display bumper stickers on their private cars, even if they are parked in a County lot, pictures or posters on an automobile or in window of home.
12. Speak publicly, or write letters or articles for or against any political candidates; endorse or oppose such candidate in a political advertisement.
13. Manage the campaign of a political candidate.
14. Assist in voter registration drives.
15. Campaign for or against candidates in partisan elections; or for or against referendum questions, constitutional amendments, etc.
16. Participate in conversations about campaign issues and/or candidates during breaks and lunch areas away from work areas. (In lunch/break rooms, we must be sensitive to those who may be offended by a particular viewpoint.)

(B) WHAT IS NOT PERMITTED: Under California Law, County officers and employees, while on duty, may not do any of the following:

1. Participate in political activities of any kind while in uniform. *For example:* sheriff deputies, security guards, and animal control officers may not participate in political activities of any kind while in uniform, either on or off work time. (Govt. C. § 3206)

2. Use, promise, threaten or attempt to use their County positions or official authority to influence the political actions of other County officers or employees or those seeking County employment. (Govt. C. § 3204) For example: We cannot wear a campaign button, shirt or logo at work, or post or distribute it by County email or internet.
3. Knowingly solicit political funds or contributions from other officers or employees of the County or from persons on the employment list of the County (Govt. C. § 3205), **except** employees may do the following:

An officer or employee, while off duty, may solicit or receive political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours or work, retirement, civil service, or other working conditions of the officer or employee. (Govt. C. § 3209)

An officer or employee, while off duty, and using non-county resources only, may communicate through the U.S. mail (not interoffice mail), or by other means, to request political contributions from officers or employees of that agency, if the solicitation is part of a solicitation made to a significant segment of the public which may include officers or employees of the County. (Govt. C. § 3205 (c). **For example:** We may not solicit or collect donations solely from coworkers or other County employees even when off duty, but collecting from a larger group that happens to include County employees is OK.

An officer or employee may solicit political funds or contributions from a bona fide public employee's organization provided that the funds when collected by the employee's organization were not earmarked for a clearly identifiable local office-holder or candidate. (59 Ops.Att. Gen 623, 11-30-76)

(C)WHAT IS NOT PERMITTED WHETHER ON DUTY OR OFF DUTY:

One who holds or is seeking election or appointment to an office shall not directly or indirectly offer to increase compensation or salary for an employee in exchange for, or a promise of, a contribution or loan to any committee controlled by the person who holds or who is seeking an office. (Govt. C. § 3505.5)

II. Federal Law:

- (A) **WHAT IS PERMITTED:** In addition to being covered by state law, County employees whose primary job is in connection with federally financed activities are covered by the Hatch Act (5 U.S.C. § 1501-1508.) A "Hatch Act" County Officer or employee, while not on duty, may:

1. Express opinions on political subjects and candidates.

2. Become a candidate for nomination or election to any non-partisan elective office or to any political party office.
3. Engage in partisan or non-partisan political activities as an individual or as a member of a group.
4. Contribute to political campaign funds if the contribution is not made to or through another county officer or employee, except as described in paragraph I. B.3 above.
5. Join political organizations and vote on any questions presented.
6. Organize and manage political clubs; serve as officer, delegate or alternate, or as a member of any committee.
7. Participate actively in political conventions.
8. Attend Political meetings, rallies, etc., and organize, prepare and conduct such gatherings.
9. Initiate, sign or circulate partisan or non-partisan nominating petitions, distribute campaign literature, badges, etc.
10. Wear campaign badges or buttons, display bumper stickers, pictures or posters on an automobile or in window or home.
11. Speak publicly, or write letters or articles for or against any political candidates; endorse or oppose such candidates in a political advertisement.
12. Manage the campaign of a political candidate.

(B) WHAT IS NOT PERMITTED: A Hatch Act employee, while on duty, may not:

1. Participate in political activities of any kind while in uniform.
2. Knowingly solicit political funds or contributions from other officer or employees of the County or from persons on the employment list of the County, **except:**

An officer or employee may solicit or receive political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of the officer or employee.

An officer or employee may communicate through the mail or by other means request for political funds or contribution to a significant segment of the public which may include officers of employees of the County.

An officer or employee may solicit political funds or contributions from a bona fide public employee's organization provided that the funds, when collected by the employee's organization, were not earmarked for a clearly identifiable local office-holder or candidate.

3. Directly or indirectly coerce, attempt to coerce, command or advise a local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency or person for political purposes. ***For example:*** This section prohibits a County officer or employee from attempting to influence another County officer or employee to contribute anything of value for political purposes.
4. Be a candidate for elective public office in a partisan election.

"Elective public office" does not include a political party office. Thus, a Hatch Act employee may be a candidate for a position of officer of a political party, or any similar position.

Generally, all judicial, city, County and district offices are non-partisan. Candidacy for State-wide offices, the Assembly, State Senate and Congress are partisan in nature.

5. Use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office. ***For example:*** Among other possible restrictions, this would prohibit an officer or employee from using his or her County title or official stationery in connection with any political campaign, and from attempting to influence anyone's vote by such methods as promising employment or threatening dismissal.

III. COUNTY ORDINANCE CODE

County Ordinance Code sections 02-09-1000 through 02-09-1025, *Posting Signs on County Property*, prohibit the posting of signs, including political signs, on County property unless duly authorized by the County Administrative Officer. County property is defined in Section 2-09-1005 as any real property (land and things permanently attached to the land, such as trees, buildings, and stationary mobile homes) or personal property (which is anything that is not real property, including County vehicles) owned,

leased or operated by the County and includes County property leased or licensed to third parties.

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